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December 20, 2013

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

1261

Dear Chairman Wheeler:

As Chairman of the Senate Subcommittee on Communications, Technology, and the Internet, I have seen firsthand how critical wireless broadband is for consumers. Further, I know that the ever-increasing consumer demand for wireless services is driving the need to make more spectrum available for wireless services. I want to commend the work the Federal Communications Commission (FCC) has done to address our nation's growing spectrum needs and to foster continued innovation and expansion of the nation's wireless networks.

We cannot forget that the increased consumer demand for wireless services is not confined just to services that use licensed spectrum. As the Subcommittee heard during its recent "State of Wireless" hearing, unlicensed wireless services are an essential part of our communications networks and the larger communications technology ecosystem. In fact, unlicensed spectrum has become a critical access point to the Internet for consumers and wireless communications service providers alike. Mobile data traffic is being offloaded onto unlicensed spectrum, and projections indicate that offloading will increase dramatically in the coming years as consumers use their smartphones and other mobile devices for video and other data-intensive services.

The dramatic growth in use of WiFi and other unlicensed services is straining our existing unlicensed bands. I appreciate that the Commission has been exploring ways to relieve this pressure by opening up additional spectrum in the 5 GHz band for unlicensed services. This proceeding is a necessary step to make sure that our nation's unlicensed networks keep pace with user expectations and advances in technology, while still protecting other licensees that have operations in the 5 GHz band.

I understand that it may be possible to make strides in the short term to ease unlicensed spectrum congestion by enhancing unlicensed operations in part of the 5 GHz band, while continuing to study how to do more in the future. In particular, my understanding is that there is evidence in the record that indicates that the Commission can remove certain limitations on unlicensed operations in the 5.150-5.250 GHz range (the U-NII-1 band) while still respecting incumbent uses. Taking this step could immediately expand capacity for consumers using existing unlicensed equipment and pave the way for introduction of a new generation of WiFi

technology, and swift action by the Commission could simultaneously unleash waves of innovation leading to new products and services down the road.

I understand the Commission has already gathered a significant amount of technical data on whether and how to open up the U-NII-1 band for enhanced unlicensed operations. I encourage the Commission to review this data carefully to make an informed decision whether it can move forward on the U-NII-1 band in the near term. Quickly making 100 megahertz of prime spectrum available for unlicensed operations would be an immediate benefit for the economy and a boon for consumers. If the Commission feels it has sufficient information, I encourage you to seize this opportunity, while continuing to look at other ways to ease unlicensed spectrum congestion.

Thank you for your consideration.

Sincerely,

Senator Mark Pryor

Cc: FCC Commissioner Clyburn
FCC Commissioner Rosenworcel
FCC Commissioner Pai
FCC Commissioner O'Rielly

March 27, 2014

The Honorable Mark Pryor
Chairman
Subcommittee on Communications, Technology, and the Internet
Committee on Commerce, Science, and Transportation
United States Senate
512 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Pryor:

Thank you for your letter encouraging the Federal Communications Commission (FCC) to promptly examine the possible expansion of unlicensed spectrum in the 5 GHz band. I share your recognition of the importance of making available more unlicensed spectrum, and I agree that steps must be taken to alleviate the strain on existing unlicensed bands.

The FCC is committed to realizing the tremendous promise the 5 GHz band offers for unlicensed use, but we also remain obligated to protect incumbent users from harmful interference, pursuant to the FCC's rules. Our staff has been working with all of the stakeholders to resolve the technical challenges associated with increasing the utility of this spectrum, while also protecting incumbent, licensed users.

Based on comments received in response to the FCC's February 2013 *Notice of Proposed Rulemaking* and the continuing collaborative efforts of the various stakeholders – and consistent with the recommendation in your letter – the Commission is poised to act to enhance the utility of the spectrum that is already available for unlicensed U-NII use. At its March 31 Agenda Meeting, the FCC will consider a Report and Order that would revise FCC rules to make 100 megahertz of 5 GHz U-NII-1 band unlicensed spectrum more useful for consumers and businesses, and reduce the potential for harmful interference to certain incumbent operations. If adopted, the Report and Order would enhance operational flexibility, and continue to foster the development of new and innovative unlicensed devices, which will increase wireless broadband access and investment.

I appreciate your interest in this matter. Your letter will be included in the record of this proceeding and considered during the FCC's review. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler